REMARKS

Claims 28-55 and 76-101 have been withdrawn from consideration. Claims 1-27 and 56-75 are currently pending, with claims 1 and 56 being the only independent claims. Claims 1 and 56 have been amended. Support for the amendments may be found, for example, at pg. 14, paragraph [0025] and pg. 16, paragraph [0031] of the specification. No new matter has been added. Reconsideration of the application, in view of the following remarks, is respectfully requested.

In the June 27, 2006 Office Action, independent claims 1 and 56, and dependent claims 2-7, 10, 11, 13-15, 17-24, 26, 27, 57, 59, 60-62, 64-66 and 68-75 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,542,933 ("*Durst*") in view of U.S. Patent Publication 2002/0161658 ("*Sussman*"). In addition, dependent claims 8, 9, 12, 16, 25, 58, 63 and 67 were rejected under 35 U.S.C. §103(a) as unpatentable over *Durst* in view of *Sussman*, and in further view of U.S. Patent No. 6,134,548 (*"Gottman"*). For the following reasons, it is respectfully submitted that all claims of the present application are patentable over the cited references.

The Office Action (pg. 10 thru 11) states:

> (b) Durst further discloses the information server and client device interconnected for selective communication with each other as required by the system. Communication could be implemented by Internet, intranet, wireless network, and various combinations thereof (column 5, lines 23-32).
> Applicant states, "Determination means that server selects from multiple different communication protocols". This limitation is not found in the claim language. However, Durst explicitly discloses selecting communication that is required for the device involved in communication with each other.
> (c) Applicant argues that Sussman fails to teach that a server determines a communication method from multiple communication methods for use in sending P/S-Info. In response to applicant's argument that the reference fails to show this feature of applicant's invention, it is noted that the feature upon which applicant relies (i.e., a server determines a communication method from multiple communication methods for sending P/S-Info) is not recited in the rejected claim(s).

With respect to the foregoing statements, the combination of *Durst* and *Sussman* fails to achieve independent claims 1 and 56. *Durst* (col. 5, lines 17-21) states, "at the information server, the <u>location</u> of the primary content file is determined based at least on the item identification code, and the information server <u>redirects</u> the client computer to the content server to retrieve the primary content file. Clearly, this has nothing to do with the claimed determination of a

communication method from multiple communication methods, where the determined communication method is then used by an information server to retrieve P/S-Info. In fact, *Durst* (col. 3, lines 65-67 thru col. 4, lines 1-7) teaches that the client computer is redirected to the server content by the information server when it sends a primary URL to the client computer indicating the location of the primary content file. However, this does not mean that a communication method is determined. Rather, *Durst* teaches that only another destination is determined.

Durst (col. 5, lines 22-24) teaches that the information server alternatively retrieves the primary content file from local storage, and sends it directly to the client without the need for redirection to the content server computer. However, there is also nothing in this section of *Durst* that relates to determining a communication method from multiple communication methods, where the detemined method is used by an information server to retrieve P/S-Info.

Durst (col. 6, lines 11-21) states, "the information server 50 is configured ... to received a completed URL template from the client computer 20 and transmit a response to the client computer 20 which may be the desired primary content file stored thereon. The content web servers 60 may contain the web content that is ultimately sent to the web browser 24, and need not be configured in any special way in order to operate with the linkage system 4. That is, the content server 60 receives a data request in the form of a URL and responds by supplying the request web content." *Durst* teaches how the server is configured. However, *Durst* is silent with respect to exactly how the server <u>itself</u> communicates. That is, in *Durst*, there is no determination of a communication method from multiple communication methods.

Durst col. (6, lines 29-45) teaches the configuration of the information server 50. In particular, *Durst* col. (6, lines 29-31) states, "the information server 50 is a server system that executes a software utility that installs on an information provider's web site". *Durst* col. (6, lines 44-47) teaches that the software makes a record of each "hit", recording the date, time, item accessed and a user ID in a hit log database 54, indicating who accessed the server. *Durst* (col. 6, lines 47-52) states, "the information server 50 may be implemented as a CGI program or Java servlet, compatible with both UNIX and Windows NT or via other conventional means. The overall system will contain multiple information servers 50 that are chosen based on the data entered though the linkage client 22". However, this is not to be confused with the determination from multiple communication methods of a desired communication method by a <u>server</u> that transmits P/S--Info using the determined communication method, as recited in independent claims 1

and 56. In *Durst*, each individual server is implemented as a CGI program or Java servlet, i.e. a single communication protocol that is installed in each individual server. *Durst* does not, however, teach or suggest that the server then takes the additional step of determining a desired communication method from multiple communication methods. Hence, *Durst* fails to teach or suggest independent claims 1 and 56.

The Examiner cites *Sussman* in an attempt to cure the shortcomings of *Durst*, i.e., an output device that is separate from the PSA. *Sussman* relates to a method and system in which a consumer creates a shopping list using a small wireless bar code scanner and an intelligent base station that gets related bar code information from a merchant's database via the Internet (see *Abstract*, lines 1-4). *Sussman* (*Abstract*, lines 4-7) states, "the consumer uses this method to shop in a store, Mail Order/Telephone Order (MOTO) or on the Internet using the created shopping list". *Sussman* (*Abstract*, lines 7-10) further states, "the consumer creates the shopping list by using a small wireless bar code scanner to scan in the merchandise Universal Product Codes (UPCs), which are available on product labels, and in product catalog". *Sussman* (Abstract, lines 10-12) teaches that the consumer then transmits the scanned bar codes to an intelligent device owned by the consumer, which is known as a base station.

Sussman (paragraph [0032], lines 1-3) teaches that UPCs are transmitted to a base station that can import the UPCs stored on a bar code scanner. *Sussman* (paragraph [0032], lines 3-7) teaches that the base station connects via the Internet to a UPC database stored at the merchant, or at a central UPC Database to download a textual description of the UPC that the consumer previously scanned into their bar code scanner. *Sussman* (paragraph [0032], lines 9-12) teaches this is the method whereby the consumer maintains their shopping list in whichever device they are most comfortable with, i.e. an Internet Appliance, a PDA, a PC, a cell phone, etc. However, *Sussman* fails to cure the deficiencies of *Durst*, since *Sussman* also fails to teach or suggest the information server recited in independent claims 1 and 56, i.e., an information server system that determines a desired communication method from multiple communication methods and then transmits P/S--Info using the determined communication method.

The Examiner cites *Gottman* in an attempt to cure the shortcomings of *Durst* in combination with *Sussman*, i.e., a PSA that is a cellular telephone. *Gottman* relates to a system that facilitates interactive web-based comparison-shopping in conventional, physical, non-web retail environments (see col. 1, lines 54-57). *Gottman* (col. 1, lines 57-63) discloses that a wireless phone or similar hand-held wireless device with Internet Protocol capability is combined with a

miniature barcode reader (installed either inside the phone or on a short cable) and utilized to obtain definitive product identification by, for example, scanning a Universal Product Code (UPC) bar code from a book or other product.

Gottman (col. 1, lines 63-67) teaches that the wireless device transmits the definitive product identifier to a service routine (running on a Web server), which converts it to (in the case of books) its International Standard Book Number or (in the case of other products) whatever identifier is appropriate. *Gottman* (col. 1, line 67 thru col. 2, line 5) further states, "the service routine then queries the Web to find price, shipping and availability information on the product from various Web suppliers. This information is formatted and displayed on the hand-held device's screen. The user may then use the hand-held device to place an order interactively".

However, *Gottman* is silent with respect to "a server that <u>determines</u> a communication method from <u>multiple</u> communication methods and transmits P/S-info using the <u>determined</u> communication method," as recited in independent claims 1 and 56. Consequently, *Gottman* fails to provide what *Durst* and/or *Sussman* lack. As a result, amended independent claims 1 and 56 are patentable over the combination of *Durst*, *Sussman* and/or *Gottman* and, therefore, reconsideration and withdrawal of all the rejections under 35 U.S.C. §103 are in order, and a notice to that effect is earnestly solicited.
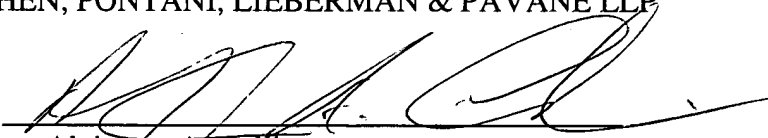
In view of the patentability of independent claims 1 and 56, for the reasons set forth above, dependent claims 2-27 and 57-75 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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